

The Honorable Christopher M. Alston
Chapter 7
Hearing Date: November 3, 2017
Hearing Time: 9:30 a.m.
Hearing Location: 700 Stewart St, Seattle, WA
7th Floor, Courtroom 7206
Response Date: October 27, 2017

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

In re
BEN HOLMAN McINDOE,
Debtor

Case No. 15-17388-CMA

DECLARATION OF GEOFFREY GROSHONG IN SUPPORT OF TRUSTEE'S MOTION FOR CONTEMPT AND SANCTIONS

Geoffrey Groshong, attorney for Edmund J. Wood, the chapter 7 trustee for Ben
doe, declares and states as follows:

17 1. This case was commenced by the filing of a voluntary Chapter 11 petition
18 by McIndoe on December 21, 2015 [Dkt. # 1]. On May 1, 2017, the case was converted to a
19 proceeding under chapter 7 [Dkt. # 110]. On May 2, 2017, Edmund J. Wood was appointed as
20 the chapter 7 trustee [Dkt. # 112]. On May 19, 2017, this court entered its Ex Parte Order
21 Authorizing the Employment of Attorney for Trustee [Dkt. # 140].

22 2. I make this declaration from my personal knowledge and the filings in this
23 case, and in support of the Trustee's Motion for Contempt and Sanctions.

24 3. On September 25, 2017, by e-mail and first-class mail, I sent a letter to
25 Richard L. Jones and Kovac & Jones, PLLC, requesting that he disgorge \$39,713.99 by 4:00
26 p.m. on September 26, 2017, and advised that if he failed to do so, the trustee would seek the

1 Court's aid in enforcing the order. A true and correct copy of the September 25 letter is attached
2 as Exhibit A.

3 I declare on penalty of perjury under the laws of the state of Washington that the
4 foregoing is true and correct.

5 SIGNED this 5th day of October, 2017, at Seattle, Washington.
6

7 /s/ Geoffrey Groshong
8 Geoffrey Groshong
WSB No. 6124

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In re Ben Holman McIndoe
Case No. 15-17388-CMA

Exhibit A

GROSHONG LAW PLLC
600 STEWART STREET, SUITE 1300
SEATTLE, WASHINGTON 98101
206.508.0585
GEOFF@GROSHONGLAW.COM

September 25, 2017

BY FIRST-CLASS MAIL AND ELECTRONIC MAIL

Richard L. Jones
Kovac & Jones, PLLC
1750 112th Avenue NE, Suite D151
Bellevue, Washington 98004
rlj@kovacandjones.com

Subject: Ben Holman McIndoe, Debtor
Case No. 15-17388-CMA
Order for Disgorgement

Dear Mr. Jones:

I represent Edmund J. Wood in his capacity as the Chapter 7 trustee (“Trustee”) for Ben Holman McIndoe’s bankruptcy case. On August 2, 2017, the bankruptcy court entered the Order for Disgorgement and Disallowance of Attorney’s Fees of Special Counsel Richard L. Jones [Dkt. # 175] (the “Order”), a copy of which is enclosed for your review. The Order required you to disgorge and pay \$39,713.99 to the Trustee within 21 days of its entry, or August 23, 2017. The Order has not been stayed, and you have not filed a timely appeal.

As of the date of this letter, the Trustee has not received the funds. Please remit \$39,713.99 to the Trustee not later than 4:00 p.m. tomorrow, September 26, 2017, or the Trustee will seek the aid of the court in enforcing the Order.

Best regards,

GROSHONG LAW PLLC



Geoffrey Groshong

Enclosure

cc: Larry Feinstein, Esq. (via e-mail)
Edmund Wood, Trustee (via e-mail)
Martin Smith, Esq. (via e-mail)

Below is the Order of the Court.



A handwritten signature in black ink, appearing to read "CM Alston".

Christopher M. Alston
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

Ben H. McIndoe,

Debtor.

Case No. 15-17388

ORDER FOR DISGORGEMENT AND
DISALLOWANCE OF ATTORNEY'S
FEES OF SPECIAL COUNSEL.
RICHARD L. JONES

THIS MATTER came before the Court upon the motion of the United States Trustee for disgorgement and disallowance of attorney's fees of special counsel herein Richard L. Jones (the "UST Motion") and the motion by Richard L. Jones and Kovac & Jones, PLLC (together, "Jones") for interim allowance of \$28,272.46 in fees and costs (the "Jones Motion"). An evidentiary hearing relating to both the UST Motion and the Jones Motion was held on June 20, 2017. The Court has reviewed and considered the UST Motion and the Jones Motion, and any and all evidence submitted in support of and in opposition to each motion prior to and at the evidentiary hearing, and the records and files herein.

On July 27, 2017, the Court made its oral ruling, and at that time set forth on the record its findings of fact and conclusions of law, and those are adopted and incorporated herein pursuant to Fed.R.Civ.P. 52(a) and Fed.R.Bank.P. 7052.

ORDER

Office of the United States Trustee
700 Stewart Street, Suite 5103
Seattle, WA 98101-1271
206-553-2000, 206-553-2566 (fax)

Below is the Order of the Court.

Based upon the foregoing,

IT IS HEREBY ORDERED THAT:

- A. The UST Motion is granted;
 - B. The fees and costs in the Jones Motion are disallowed and the Jones Motion is denied;
 - C. Jones is entitled to retain the \$4,500 received from Amigos Financial LLC; and
 - D. Jones shall disgorge to the chapter 7 trustee in the above-captioned case the sum of \$713.99 within 21 days of entry of this Order.

//END OF ORDER//

Presented by:

Gail Brehm Geiger
Acting U.S. Trustee for Region 18

/s/ Martin L. Smith
Martin L. Smith, WSBA #24861
Attorney for the United States Trustee

Form of Order agreed; notice of presentation waived

Kovac & Jones, PLLC

By: Richard L. Jones, WSBA #12904

Richard L. Jones, WSBA #12904

Office of the United States Trustee
700 Stewart Street, Suite 5103
Seattle, WA 98101-1271
206-553-2000, 206-553-2566 (fax)

ORDER